

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

ORDER DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*  
AND  
ASSESSING ENTIRE APPELLATE FILING FEE

Plaintiff Marcellus Harlan, a prisoner, filed a complaint under 42 U.S.C. § 1983. The Court issued an order dismissing the case on November 30, 2005; judgment was entered on the docket on December 5, 2005. On January 3, 2006, plaintiff filed a notice of appeal. However, plaintiff did not pay the \$255 appellate filing fee, or seek pauper status by filing an *in forma pauperis* affidavit and trust fund account statement showing the information required by 28 U.S.C. § 1915(a). Subsequently, the Court entered an order on January 9, 2006, notifying plaintiff of the deficiency, pursuant to McGore v. Wrigglesworth, 114 F.3d 601, 610 (6<sup>th</sup> Cir. 1997). Plaintiff was ordered to submit the required documentation within thirty days, and was warned that failure to do so would result in the assessment of the entire appellate filing fee. Plaintiff was also warned that failure to comply could result in the

dismissal of the appeal for failure to prosecute.

Plaintiff has neither complied with the Court's deficiency order nor sought an extension of time in which to do so. Accordingly, plaintiff is not eligible to proceed *in forma pauperis* and may not take advantage of the "downpayment" and installment payment procedures contained in § 1915(b).

Therefore, plaintiff is hereby ORDERED to submit, within 30 days after the entry of this order, the full \$255 appellate filing fee to the Clerk of Court at the following address:

Clerk, United States District Court, Western District of Tennessee,  
262 U.S. Courthouse, 111 S. Highland Ave., Jackson, TN 38301

Plaintiff is again warned that failure to comply may result in the dismissal of the appeal for failure to prosecute.

The Clerk is directed to provide a copy of this order to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

s/ James D. Todd  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE